

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No.: 3:21-cv-00314-RCJ-CSD

4 JOSE CERDA GODINEZ,

5 Plaintiff

6 v.

7 GUZMAN, et al.,

8 Defendants

Order

Re: ECF No. 32

9 Before the court is Plaintiff's motion for leave to amend and proposed first amended
10 complaint. (ECF Nos. 32, 32-1.) Defendants filed a non-opposition. (ECF No. 33.)¹

11 For the reasons set forth below, the motion is granted.

12 "A party may amend its pleading once as a matter of course within: (A) 21 days after
13 serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after
14 service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f),
15 whichever is earlier." Fed. R. Civ. P. 15(a)(1)(A), (B). Otherwise, a party must seek the opposing
16 party's written consent or leave of court to amend a pleading. Fed. R. Civ. P. 15(a)(2). "The
17 court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

18 Plaintiff timely sought leave to amend under the existing scheduling order deadlines and
19 Defendants did not oppose Plaintiff's motion; therefore, the court will grant the motion for leave
20 to amend.

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23 ¹ In their non-opposition, Defendants state that Plaintiff failed to include the proposed first amended complaint; however, the proposed amended complaint was attached to the motion for leave to amend at ECF No. 32-1.

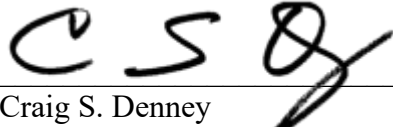
CONCLUSION

Plaintiff's motion for leave to amend (ECF No. 32) is **GRANTED**. The Clerk shall **FILE** the first amended complaint (ECF No. 32-1). Plaintiff may **PROCEED** with the claims asserted in the first amended complaint against defendants Guzman, Rigney, Kleer, Edwards, Weiland, Johnson, Nurse Henry and Warden D. Drummond.

On or before **July 20, 2022**, the Attorney General's Office shall file a notice on or before advising the court and Plaintiff whether it will accept service of the first amended complaint on behalf of the Defendants. For any defendant for whom service is not accepted, the Attorney General's Office shall file that defendant's last known address under seal (but not serve the inmate Plaintiff). For any defendant for whom the Attorney General's Office does not accept service and the last known address is filed under seal, Plaintiff shall file a motion identifying the unserved defendant and request the issuance of a summons. For those defendants for whom the Attorney General's Office accepts service of the first amended complaint, an answer or other responsive pleading must be filed within **45 days** of the date of this Order.

IT IS SO ORDERED.

Dated: July 6, 2022


Craig S. Denney
United States Magistrate Judge